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DEPARTMENT OF STATE

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BRIEFING MEMORANDUM

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TO: The Secretary

THROUGH: C - Matthew Nimetz

FROM: L - Lee R. Marks

Working Group on Guyana: Status Report

The Working Group on Guyana has met almost daily since December 7 with representatives from State (L, ARA, CA, H, M), Defense, OMB, Justice, AID, and the FBI. Two working subgroups have been set up: one on funding (chaired by OMB), and one on the disposition of bodies (chaired by L).

1. Legal Authority and Funding

We have said publicly that the activities in Guyana were undertaken in reliance on the President's constitutional authorities as Chief Executive and Commander-in-Chief. That formulation was cleared within the Group and also with Bob Lipshutz.

OMB has decided that the operation should be funded from the Foreign Assistance Act Contingency Fund and, if that is insufficient, with funds reprogrammed from the Economic Support Fund. Some thought was given to asking DOD to fund a part of it, but McIntyre decided against it.

2. USG Claims Against Peoples Temple Assets

Justice is investigating legal theories on which we might base a claim for reimbursement from Peoples Temple assets. An analysis of costs is being compiled; DOD's estimated costs as of December 11 were about $3.5 million at the lower rate charged to the USG. (DOD services are reimbursable at significantly higher rates when private entities are charged.)

The Peoples Temple apparently has more than enough assets to cover USG expenses if we can assert a claim to them. These assets are in Guyana (funds, movable and immovable property), Panama (two accounts in Panamanian

branches of Swiss banks), Nassau (bank account), Venezuela (bank account), and California.

A. Incorporation

A proceeding to dissolve the Peoples Temple corporation in California is pending. Disposition of the California assets depends upon the outcome of this proceeding. The Peoples Temple operated through two corporate entities in Guyana; we anticipate proceedings under Guyanese law to dissolve both entities.

B. Conservation of Assets in Foreign Jurisdictions

We have taken steps through diplomatic channels to immobilize and conserve Peoples Temple assets in Panama, Switzerland and Guyana. The Department of Justice, with local counsel, is analyzing the best way to proceed against these assets. A Justice Department attorney is presently in Panama.

We have asked Justice to consider how and whether to proceed against next-of-kin if they obtain Peoples Temple assets.

C. Soviet Claims to Peoples Temple Assets

Letters purporting to bequeath some Peoples Temple assets to the Soviet Union have been found, but, as yet, the Soviets have asserted no claim; the letters seem not to have been mailed.

3. Criminal Proceedings

Justice and the FBI are handling the associated criminal proceedings. The U.S. Ambassador in Guyana has been authorized to release all evidentiary material in his custody to the FBI. Guyana has agreed to permit the FBI to bring this material back here to reproduce it so that both jurisdictions will have access to the evidence.

4. Disposition of Bodies

Nine hundred thirteen bodies were brought back to Dover Air Force Base. Six hundred thirty-two have been identified to date, and the next of kin of 574 have been notified.

Forty-four next of kin have said that they cannot or will not claim the bodies. So far, approximately 260 bodies have been released to next of kin. There are approximately 234 children's bodies that are difficult to identify. California hospitals are being contacted for help on the theory that many of these children were born in California.

We expect to have several hundred bodies unidentified or unclaimed. We are exploring what to do with them.

A. Methods of Disposition

We have explored three methods of disposition: burial on land, burial at sea, and cremation. Burial on land appears preferable because the bodies would be retrievable. If the bodies are irretrievably disposed of, we may be subject to law suits related to tort or to insurance claims (where examination of the body may be necessary to determine cause of death).

The cost of the three options appears roughly comparable, about $100/body (although burial at sea might be less expensive). The major problem with burial on land involves finding locations. A mass grave might become a cult gathering place. Delaware officials are firmly opposed to any burials in Delaware. The subgroup on disposition of bodies believes that the bodies should be buried on land if appropriate arrangements can be made (and if transportation costs are not excessive). It is investigating possible sites and consulting with appropriate federal, state and local officials.

B. Autopsies

Seven bodies were autopsied: four bodies were chosen at random, and at FBI request the bodies of Jim Jones, Dr. Larry Schacht and Maria Katsaris were autopsied. The government of Guyana has agreed to issue death certificates for these seven after receiving the results of the autopsies.

5. Congressional/Public Relations

We have maintained ongoing consultations on the Hill on various Jonestown-related issues. The Group cleared model letters for responding to Congressional and public inquiries.

A comprehensive response to a letter from Congressman Zablocki involving various aspects of Peoples Temple activities was delivered December 11.

The bulk of the inquiries have concerned USG legal authority to evacuate the bodies from Jonestown to Dover AFB. Thus far, although most Congressional staff have recognized the need for emergency action under the circumstances, they have been reluctant to suggest funding sources.

The HIRC staff is interviewing Dick McCoy (the Consul in Guyana). He has been through two sessions so far. The interviews are being transcribed, but they are not under oath. L is accompanying McCoy.

A delegation of federal and state officials from Delaware met with representatives from the Departments of State, Justice and Defense on December 5. Delaware's request that the USG transport all the bodies to California was rejected. We told Delaware officials that a decision on disposition of the bodies would be made by February 1, and that we had no intention of permitting a mass burial in Delaware of all the unclaimed/unidentified victims.

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